

APPEAL HEARING MINUTES

1. Kind of meeting: Morning Appeal Hearings

2. Date: March 8, 2016 **Place:** Hearings Room

3. Present: Jeff Painter, Christopher Curtis, Judith Napier, Henry Marsh, SAAG Kristina Stoney, Pam Boggs, Melissa Custis & Kristie Miles

- 10:05 a.m. - Hearing was called to order
 - The Hill City House – Charles England, Managing Member & Co-Owner – Donna Riecherd, Co-Owner
 - Fleurie Restaurant – Brian Helleberg, Managing Member and Chef & Joseph A. Scala, General Manager
 - Winchester News Stand – Paul J. Wittemore, Managing Member
 - Visions Ultra Lounge – Brent A. Jackson, Esq., Attorney for the licensee – Crystal Stump, ABC Consultants & Aisha Farooque, General Manager
- 11:15 a.m. - Approved and Adopted Board Orders for Board Minutes for February 2016; H. Marsh motioned, J. Napier, seconded and the vote passed unanimously.
- 11:15 a.m. - Closed session - With no further cases, J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel on legal matters before the Board; 2nd- H. Marsh - the Board unanimously (Painter, Napier, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, J. Napier, C. Curtis, H. Marsh, SAAG K. Stoney, and P. Boggs.
- 12:25 p.m. - J. Painter made a motion to return to open session, H. Marsh seconded and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - In the matter of The Hill City House – J. Napier motioned to substantiate the charge and follow the decision of the hearing officer; the privileges of purchasing and selling alcoholic beverages, including mixed beverages, shall be suspended for thirty (30) days; provided, however, that upon payment of three thousand dollars (\$3000.00) [\$1500.00 per license] as a civil penalty, the suspension shall be terminated at the end of ten (10) days. J. Painter seconded and the motion passed unanimously.
 - In regards to the Fleurie Restaurant – J. Painter motioned to substantiate the charge but modify the penalty as follows: the privileges of purchasing and selling alcoholic beverages, including mixed beverages, shall be suspended for thirty (30) days; provided, however, that upon payment of five thousand dollars (\$5000.00) [\$2500.00 per license] as a civil penalty, the suspension shall be terminated. H. Marsh seconded and the motion was passed unanimously.
 - In the matter of Winchester News Stand – J. Napier motioned to substantiate the charge but modify the penalty as follows: the privileges of purchasing and selling alcoholic beverages, shall be suspended for fifteen (15) days; provided, however, that upon payment of one thousand dollars (\$1000.00) as a civil penalty, the suspension shall be terminated. H. Marsh seconded and the motion was passed unanimously.
 - In the matter of Visions Ultra Lounge - J. Painter moved to accept the exhibit as additional evidence; H. Marsh seconded and the motion was passed unanimously. J. Napier motioned to follow the hearing officer's decision to substantiate the charge and refuse the Mixed Beverage

Restaurant license. Additionally, the charge against the Wine and Beer On Premises license is also substantiated and the privileges of purchasing and selling alcoholic beverages granted by the license is suspended for seven (7) days; provided, however, that upon payment of five hundred dollars (\$500.00) the suspension shall be terminated. H. Marsh seconded and the motion was passed unanimously.

- 12:30 p.m. – With no further business – J. Painter moved to adjourn for the morning, H. Marsh seconded and the motion was passed unanimously.

AFTERNOON APPEAL HEARINGS

Present: Jeff Painter, Christopher Curtis, Henry Marsh, SAAG Kristina Stoney, Pam Boggs, Melissa Custis & Kristie Miles

- 2:05 p.m. - Hearing was called to order
- Pursuant to Section 2.2604 of the Code of Virginia, Chairman Jeffrey Painter designated Deputy Secretary to the Board Chris Curtis, to hear appeal cases today in the absence of Judith Napier.
 - The Fillin Station - Stephanie R. McCoy, President
- 2:15 p.m. - Closed session - With no further cases J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel on legal matters before the Board; H. Marsh seconded and the motion was passed unanimously (Painter, Curtis, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, C. Curtis, H. Marsh, Travis Hill, COO, SAAG K. Stoney, and P. Boggs.
- 2:45 p.m. – H. Marsh motioned to return to open session, J. Painter - seconded and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - In the matter of The Fillin Station – J. Painter motioned to accept the additional evidence presented at the hearing; C. Curtis seconded and the motion was passed unanimously. J. Painter motioned to substantiate the charge but modify the penalty as follows: The privileges of purchasing and selling mixed beverages granted by the license, shall be suspended for thirty (30) days, provided, however, that upon payment of \$1000.00 as a civil penalty, the suspension shall be terminated at the end of fifteen (15) days. Additionally, the licensee is required to submit a CPA-audited report of food and mixed beverages sales for the next MBAR report that is due after the date of the Board Order in this matter. C. Curtis seconded and the motion was passed unanimously.
- 2:47 p.m. – With no further business – J. Painter moved to adjourn for the day, C. Curtis seconded the vote and the vote was passed unanimously.